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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,058	11/17/2003	Tobin Allen King	ZG172US	9926
24011	7590	05/18/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			CRENSHAW, MARVIN P	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,058

Applicant(s)

KING ET AL.

Examiner

Marvin P. Crenshaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 03/01/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 - 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 - 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. 09/436,508.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 and 3 – 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 10 of U.S. Patent No. 6,626,529 in view of Koga (6,056,286).

U S Patent No. 6,626,529 claims all that is claimed except a drive shaft having one or more rollers being captively supported within said first portion of the casing (Claim 1) and a cartridge wherein the drive gear is configured to engage the powered gear provided on the printing device by means of an aperture provided in the casing (Claim 5).

Koga (6,056,286) teaches a drive shaft having one or more rollers being captively supported within said first portion of the casing and a drive gear configured to engaged with a powered gear on the printing device. It would have been obvious to modify U S Patent 6,626,529 to have a drive shaft having one or more rollers being

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captively supported within said first portion of the casing as taught by Koga to provide an efficient means for transporting the paper to the printhead.

It would have been obvious to modify U S Patent no. 6,626,529 to have a drive gear drive gear configured to engaged with a powered gear on the printing device as taught by Koga to provide an efficient means to have a connecting between the cartridge and the printing device for transporting the print media to the print head.

Claim Objections

Claim 1 is objected to because of the following informalities: In claim 1, line 8, "drive shaft" has antecedent basis. It should be "said drive shaft". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 - 5 rejected under 35 U.S.C. 102(e) as being anticipated by Koga.

Koga teaches a cartridge (Fig. 1) for insertion into a digital printing device, said cartridge including a casing having a first portion (Z) for housing a supply of cut sheet

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print media, a print media exit opening (84) arranged in said first portion of the casing and a pickup roller (31) assembly including a drive shaft, one or more pick up rollers (Fig. 2) disposed on the drive shaft for rotation therewith, drive shaft (211) and one or more rollers being captively supported within said first portion of the casing and a drive gear (410) for rotating the drive shaft, the pickup roller (Fig. 3) assembly being arranged at least partially within said first portion of the casing and being configured in use to pick up and drive a sheet of said print media through said exit opening.

With respect to claim 3, Koga teaches a cartridge wherein the casing further includes a second portion for housing a supply of ink (51).

With respect to claim 4, Koga teaches a cartridge wherein a drive gear (410) extends at least partially outside the casing and is configured to engage a corresponding powered gear provided in the printing device with which the cartridge is to be used.

With respect to claim 5, Koga teaches a cartridge wherein the drive gear (410) is configured to engage a powered provided on the printing device by means of an aperture provided in said casing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Fong et al.

With respect to claim 9, Koga does not teach a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane.

Fong et al. teaches a cartridge (Fig. 1) wherein the ink storage portion is defined at least in part by a collapsible membrane (15).

It would have been obvious to modify Koga et al. to have a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane as taught by Fong et al. so as to provide an efficient means for replenishing the ink in the cartridge.

Claims 1, 3 – 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al. in view Koga.

McIntyre et al. teaches a cartridge for insertion into a digital printing device, said cartridge including a casing having a first portion for housing a supply of cut sheet print media and a print media exit opening arranged in said first portion of the casing.

However, McIntyre et al. does not teach a pickup roller assembly.

Koga teaches a cartridge (Fig. 1) for insertion into a digital printing device, said cartridge including a casing having a first portion (Z) for housing a supply of cut sheet print media, a print media exit opening (84) arranged in said first portion of the casing and a pickup roller (31) assembly including a drive shaft, one or more pick up rollers (Fig. 2) disposed on the drive shaft for rotation therewith, drive shaft (211) and one or more rollers being captively supported within said first portion of the casing and a drive

gear (410) for rotating the drive shaft, the pickup roller (Fig. 3) assembly being arranged at least partially within said first portion of the casing and being configured in use to pick up and drive a sheet of said print media through said exit opening.

It would have been obvious to modify McIntyre et al. to have a pickup roller assembly as taught by Koga to provide an efficient means for transporting the print media to the print head.

With respect to claim 3, McIntyre et al. teaches a cartridge wherein the casing further includes a second portion for housing a supply of ink (Fig. 8)

With respect to claim 4 and 5, McIntyre et al. does not teach a cartridge comprising a drive roller.

Koga teaches a cartridge wherein a drive gear (410) extends at least partially outside the casing and is configured to engage a corresponding powered gear provided in the printing device with which the cartridge is to be used and wherein the drive gear (410) is configured to engage a powered provided on the printing device by means of an aperture provided in said casing.

It would have been obvious to modify McIntyre et al. to have a cartridge comprising a drive gear as taught by Koga to provide an efficient means for transporting the print media to the print head.

With respect to claim 6, McIntyre et al. teaches a cartridge wherein the second portion of the casing is segregated into a plurality of distinct chambers for storing a plurality of different inks (Fig. 2).

With respect to claim 7, McIntyre et al. teaches a cartridge wherein each of said ink storage chambers has a corresponding ink outlet, that prior to the cartridge first use, is closed by a pierceable seal (See Col. 4, lines 18 – 20).

With respect to claim 8, McIntyre et al. teaches a cartridge wherein each ink outlet is in the form of a nozzle (Fig. 2) adapted to connect with a corresponding ink connection (Fig. 8, 62) means provided on the printing device with which the cartridge is to be used.

With respect to claim 10, McIntyre et al. teaches a cartridge wherein the casing includes a first print media storage molding (Fig. 2), a second ink storage molding (Fig. 2) and an intermediate molding (Fig. 2) that serves to complete and enclose said print media and ink storage moldings, whilst simultaneously interconnecting the two.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al. in view of Koga and further in view of Fong et al.

With respect to claim 9, McIntyre et al. and Koga together teach all that is claimed except a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane.

Fong et al. teaches a cartridge (Fig. 1) wherein the ink storage portion is defined at least in part by a collapsible membrane (15).

It would have been obvious to further modify McIntyre et al. to have a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane as

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taught by Fong et al. so as to provide an efficient means for replenishing the ink in the cartridge.

Response to Arguments

Applicant's arguments filed March 01, 2005 have been fully considered but they are not persuasive. Specifically, Koga has been added to teach a cartridge for housing a print media and a supply of ink. Also, Fong et al has been added to teach a collapsible membrane.

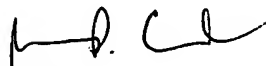
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

May 12, 2005



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